

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lara Freishtat	Team: Team # 4	CCRB Case #: 200710742	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 07/26/2007 5:30 AM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 1/26/2009	EO SOL 1/26/2009	
Date/Time CV Reported Fri, 07/27/2007 3:47 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 07/27/2007 11:35 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. LT Joseph Gulotta	00000	900369	114 PCT
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Cyrus	25356	936416	114 PCT
2. DTS Thomas Longa	07623	919315	ESS 04
3. DTS Robert Goldstein	01182	919117	ESS 04
4. DTS Robert Brager	06601	922021	ESS 05
5. DTS Marc Nell	07846	898171	ESS 02

Officer(s)	Allegation	Investigator Recommendation
A.LT Joseph Gulotta	Abuse: Lt. Joseph Gulotta authorized the entry and search of § 87(2)(b) in Queens.	
B. An officer	Force: An officer struck § 87(2)(b) with a blunt instrument.	
C. An officer	Abuse: An officer searched § 87(2)(b)	
D. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	

### Synopsis

On July 26, 2007, at approximately 5:30 AM, § 87(2)(b) and her son, § 87(2)(b) were asleep in their apartment, located at § 87(2)(b) in Queens, when ESU officers forcibly entered their apartment under the authorization of Lt. Joseph Gulotta (allegation A). The officers spread throughout the entire apartment and placed § 87(2)(b) who had been sleeping on a couch in the living room, in handcuffs, while they secured the apartment. § 87(2)(b) who was still seated on the couch in his handcuffs, began moving his arms behind his back. An ESU officer then walked over to him and stood him up from the couch. The officer walked § 87(2)(b) a couple of steps away from the couch when all of a sudden, a second ESU officer allegedly hit § 87(2)(b) on the head with a blunt instrument (allegation B). § 87(2)(b) fell down to the floor and he was bleeding from his head. An officer then quickly pulled down part of the back of his boxers (allegation C). Det. Robert Goldstein began treating the wound while ESU finished securing the apartment. After they had done so, officers from the 114<sup>th</sup> Precinct entered the location. § 87(2)(b) was removed from the apartment and taken by ambulance to § 87(2)(b). When § 87(2)(b) returned to his apartment, he saw that officers had searched it. § 87(2)(b) also saw that the apartment was in disarray and that some dressers were broken and that there was a hole in the couch (allegation D).

§ 87(2)(g)

### Summary of Complaint

§ 87(2)(b) § 87(2)(b)'s daughter and § 87(2)(b) sister, filed a complaint about this incident with the CCRB on July 27, 2007 (see enclosure # 5a-5d). § 87(2)(b) was not present for this incident; she simply filed it on behalf of her family. She stated though that from what her family told her, officers broke down the door and entered the apartment. § 87(2)(b) was told to stay in her room while the officers searched the apartment. § 87(2)(b) told her that he was hit in the head with a gun, injuring him, and he went to the hospital for it and received 11 stitches. She stated that the rooms were "torn apart" and that the door is broken and will not lock, a ceiling light was destroyed and there were holes in the couch.

While § 87(2)(b) was a victim in this incident, she did not cooperate with the investigation. § 87(2)(b) is a deaf and though a sign language interpreter was arranged to interview § 87(2)(b) about the incident at the CCRB on August 6, 2007, § 87(2)(b) was almost two hours late to her interview and the interpreter left. After numerous telephone messages were left for § 87(2)(b) with § 87(2)(b) and a letter was mailed directly to § 87(2)(b) § 87(2)(b) contacted the agency and a second interview was scheduled at the CCRB for October 23, 2007. However, § 87(2)(b) did not appear for her scheduled interview nor did she contact the agency to cancel or reschedule the interview. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on August 6, 2007 (see enclosure # 6a-6e).

On July 26, 2007, at approximately 5:30 AM, § 87(2)(b) was sleeping in his boxers on the couch in the living room of his apartment, located at § 87(2)(b) in Queens, when he heard a loud noise come from the front door and then the door was busted open. 4-5 officers, dressed in black with helmets on and carrying guns and flashlights, ran into the apartment, straight into the living room, while shouting "Get down! Get down!" As § 87(2)(b) was already lying on his stomach on the couch, he simply put his hands behind his back. An officer, identified as Det. Thomas Longa, immediately ran to him and placed him in handcuffs. § 87(2)(b) was then sat upright on the couch and told not to move. As he was sitting on the couch, two of the ESU officers remained with him, while the remaining ones fanned out to the rest of the apartment. His mother, § 87(2)(b) (who is deaf) and his baby sister (who is § 87(2)(b))

old) were sleeping in § 87(2)(b)'s room at the time and § 87(2)(b) stated that he never saw them during this incident, but his mother told him that she had woken up and saw a gun pointed at her. She then tried to get out of bed, but the officer pushed her back into the bed and would not let her up, so she and her daughter remained in the room.

While sitting on the couch, § 87(2)(b) handcuffs began to hurt as they were very tight, so he leaned his body to one side, while trying to move his arms from behind his back. After doing that, Det. Longa stood him up and pulled him off the couch. § 87(2)(b) suspected that Det. Longa thought that maybe he was trying to hide something in the couch. Det. Longa moved § 87(2)(b) a couple steps forward towards another officer, PO1. § 87(2)(b) looked to his right and left, as he heard his mother scream and wanted to see what was going on, when he felt a "slight pinch" on his left forehead. He knew PO1 had hit him, though he did not know with what, as it had been dark. § 87(2)(b) then blacked out briefly and fell down to the floor, onto his right side. When he woke up, he was on the floor and he could feel the blood coming from his head. He began screaming that they "banged" his head and so an officer briefly pulled down the back of his boxers, exposing part of his behind, and then picked him up off the floor and placed him back on the couch. Det. Robert Goldstein then came over to him and began treating his wound by putting gauze on it. As he was doing so, Det. Goldstein told him that what happened had been an accident and that he had fallen.

After ESU was in the house for approximately 5-10 minutes, both uniformed and plainclothes officers entered the house. They asked him where the guns were and when he said he did not know what they were talking about, the officers left him alone and went into the other rooms. However, after another 5-10 minutes, EMS responded to the location and § 87(2)(b) who was accompanied by a couple officers, was taken by ambulance to § 87(2)(b) for his head. While there, a nurse was taking down his information and asked how he had received his injury. But before he could an answer, an officer jumped in and said that § 87(2)(b) had fallen and hit his head on the floor. § 87(2)(b) was given 7 stitches to the cut on his head and then he was transported to the 114<sup>th</sup> Precinct stationhouse. When he entered it though, his handcuffs were removed and he was driven back to his house by two plainclothes officers. When he came back home, he saw that the apartment was in disarray and that the officers had searched his home. He described it as clothes all over the place, sheets in the bathtub, dressers tilted to the side and broken, dresser drawers stacked on top of each other, and a hole in one of the seating pads on the couch. § 87(2)(b) stated that no one was arrested though and nothing was found in the apartment.

§ 87(2)(b) described Det. Longa as a white male, approximately 5'7, and PO1 as a lot taller than him § 87(2)(b) as he was looking at his chin. He thought he was also a white male. However § 87(2)(b) could not describe the ESU officers any further than that or any of the other ESU officers, as they were wearing their helmets. § 87(2)(b) stated that he thought he was at the apartment with the officers for approximately 30 minutes before he was removed. In that time, he never saw his mother or sister and he never saw the officers search the apartment. He stated that when he was hit, it was not "crazy pain," but he now has a scar there, in almost a C shape, which is a couple inches long (It should be noted that this scar was visible at the time of his CCRB interview). He denied resisting the officers in any way and stated that while standing, the only part of his body he moved was his head. He also stated that though the officer briefly pulled down his boxers, he did not frisk or search him in any other way. § 87(2)(b) stated that he tried asking the officers what was going on, but no one answered him. He assumed they were there because a friend of a friend had heard that § 87(2)(b) had an arrest warrant out for him. § 87(2)(b) He then later realized they were there for a search warrant instead. When asked what he hoped to happen from this complaint, he stated that is not expecting anything from this and he is not really looking for anything from it. He stated that his mother and other sister (who filed the complaint) are really riled up about this and his mother is "traumatized" from it. He went on to say that he is really going along with this complaint for them and taking action on their behalves.

#### **Results of Investigation**

#### **Officer Identification:**

PO Sean Cyrus was identified via the search warrant as having been the officer who requested it. The remaining officers, from both ESU and the 114<sup>th</sup> Precinct, were identified the execution plans as having been involved in this incident (see enclosures # 17, 18).

**Officer Statements:**

**Detective Longa:**

Detective Thomas Longa was interviewed at the CCRB on September 17, 2007 (see enclosure # 9a-9b). He stated that on July 26, 2007, he worked the hours of 0400x1435 and was assigned to ESU. He was dressed in uniform and assigned to an unmarked motor vehicle. He did not have any paperwork in regard to this incident.

On July 26, 2007, Detective Longa along with the rest of his ESU team was conducting a search warrant for 114<sup>th</sup> Precinct, for what he thought was a firearm. He stated that he and his team made entry and he was in the 4<sup>th</sup> position carrying an MP5 while Det. Nell was in front of him, carrying a shield. The team made entry and the first team went to the back of the house while Det. Longa approached a male who had been sleeping on the couch in the living room. He instructed the individual, § 87(2)(b) to place his hands out and § 87(2)(b) complied. Det. Longa placed him in handcuffs without incident. Det. Longa remained in the living room with § 87(2)(b) while the remaining officers conducted a secondary search of the apartment.

Det. Longa placed § 87(2)(b) back on the couch to help make him more comfortable, given the fact that he was rear-handcuffed. § 87(2)(b) was saying things about lawsuits and that he was going to call his lawyer. As he was seated there, Det. Longa noticed him making furtive movements to the rear of the couch. Det. Longa instructed him to stop three times, but § 87(2)(b) did not comply. Det. Longa instructed § 87(2)(b) to stand up and with his right arm, Det. Longa swung his gun to his back and kept it secured there while with his left hand, he reached to § 87(2)(b) left side and stood him up. He began to walk § 87(2)(b) away from the couch and after approximately 3 feet, Det. Longa felt a movement in his arms and § 87(2)(b) fell to the floor. § 87(2)(b) turned over and Det. Longa noticed that he had received a laceration as a result of the fall, though he did not know how, as he had not seen him hit anything in particular. § 87(2)(b) was brought up to his knees and the team medic came over and treated § 87(2)(b) cut. While other officers were handling § 87(2)(b) Det. Longa searched the couch but did not find anything in it. After the entire search was concluded and the scene was secure, precinct officers were let in the apartment and ESU left.

Det. Longa stated that he never heard § 87(2)(b) say anything about how he knew why the officers were there, why he fell to the ground or how he received his injury. He stated that he became suspicious of § 87(2)(b) because he felt he was moving a lot, more than was warranted and he continued doing so after he was instructed to stop. He explained that he did not know if § 87(2)(b) was trying to secrete something or reach for a weapon. Det. Longa stated that other officers were in the room at that point, but he did not recall who, how many, or where they were positioned. He did not recall if anyone was standing stationary with him instead of searching the apartment. Det. Longa stated that he did not know why § 87(2)(b) went down to the ground and he denied ever using any sort of force against § 87(2)(b) or seeing another officer do so. He also denied ever hitting § 87(2)(b) with his gun, even accidentally. Lastly he stated that when he left the apartment, the living room seemed to be in order and nothing was damaged or broken.

**Det. Goldstein:**

Detective Robert Goldstein was interviewed at the CCRB on September 6, 2007 (see enclosure # 8a-8d). He stated that on July 26, 2007, he worked the hours of 0300x1435 and was assigned to ESU as the tactical medic. He was dressed in uniform and assigned to an unmarked motor vehicle. His memobook states;

“0430- s/w § 87(2)(b) § 87(2)(b)

On July 26, 2007, ESU went to § 87(2)(b) § 87(2)(b) in Queens, to execute a search warrant for a firearm. ESU made a forced entry into the location and by the time Detective Goldstein, who was the team medic, entered the location, he saw that § 87(2)(b) was already placed in handcuffs and was either sitting on

the floor or on the couch. Det. Longa remained with § 87(2)(b) while other officers went through the apartment to continue looking for other people there. Det. Goldstein stated that he thought a female was apprehended in one of the bedrooms, but he did not recall ever actually seeing her. Det. Goldstein returned to the living room and stated that he was not the only one, as when the officers conclude their search, they make their way back to the front door, which was by the living room. He stated that he thought there were at least a bunker and an MP5 there also.

Det. Goldstein was standing on the other side of the couch from § 87(2)(b) who was now sitting on the couch, approximately 3-5 feet away, when he noticed § 87(2)(b) fidgeting and it looked like he was reaching in the couch. Det. Longa also noticed this and repeatedly instructed § 87(2)(b) to stop moving. § 87(2)(b) did not listen so Det. Longa grabbed § 87(2)(b) by the arm and stood him up. § 87(2)(b) though went straight down to his knees and then right down to the floor, which he fell onto face first. After approximately 10 seconds, Det. Goldstein noticed a drop of blood on the floor. He sat § 87(2)(b) back up and noticed a small laceration to his left forehead. Det. Goldstein began to treat § 87(2)(b) and called for EMS to respond to the location. Eventually they responded and he transferred care of § 87(2)(b) to them and they eventually took § 87(2)(b) to the hospital. The scene was turned over to the officers from the 114<sup>th</sup> Precinct and ESU left the location.

Det. Goldstein stated that he did not know why § 87(2)(b) went to his knees and then to the floor. He denied anyone hitting him with anything and stated that he must have hit something on his way down to the ground. He did not know what § 87(2)(b) hit though, but stated that as it was the living room, there was furniture in the room.

#### **Lt. Gulotta:**

Lt. Joseph Gulotta was interviewed at the CCRB on October 12, 2007 (see enclosure # 12a-12b). He stated that on July 26, 2007, he worked the hours of 0500x1345 and was the 114<sup>th</sup> Precinct's Special Operations Lieutenant. He was dressed in plainclothes and assigned to an unmarked motor vehicle. He did not have any paperwork in regard to this incident.

On July 26, 2007, Lt. Joseph Gulotta and a team of his officers, including Sgt. Corideo, Sgt. Bryant and PO Cyrus, were executing a search warrant for a firearm at § 87(2)(b) in Queens. § 87(2)(e), § 87(2)(f)

§ 87(2)(b) So officers from the 114<sup>th</sup> Precinct and ESU responded to the location. ESU made their entry into the apartment while the precinct officers remained in the hallway and the stairwell outside of the apartment. Lt. Gulotta stated that he remained in the back while he thought Sgt. Bryant and PO Cyrus were by the front, as they had been with ESU. ESU's entry was "normal" so after a few minutes, the precinct officers were called into the apartment as the scene was secure. When Lt. Gulotta walked in, he saw the subject they were looking for, § 87(2)(b) being tended to by ESU personnel for a laceration to his head. § 87(2)(b) was agitated and he told the officers that they were not going to find a gun at the location. Lt. Gulotta was then informed by both ESU and § 87(2)(b) that § 87(2)(b) had fallen and hit his head on the floor, which is how he sustained the laceration. After a few minutes, EMS responded to the location and § 87(2)(b) was removed to the ambulance.

Lt. Gulotta followed them out to the ambulance and spoke with § 87(2)(b). Lt. Gulotta stated that he was the only one of his officers to speak with § 87(2)(b) and he did so, because he takes an active role in this kind of thing. By this point § 87(2)(b) had calmed down and was cooperative with Lt. Gulotta. He explained that they would not find anything at the location and that he had already notified his probation officer that the police were going to be coming. § 87(2)(b) seemed worried about how this would affect his probation. Lt. Gulotta was able to obtain a description of the person who tipped him off as to their plans and based on the description, Lt. Gulotta realized that it was their own informant who provided the information. Because of this, Lt. Gulotta was pretty sure his officers would not find any gun.

§ 87(2)(b) was taken to the hospital by EMS and Lt. Gulotta returned to the apartment. He then directed his officers to do a “careful” search of the apartment. He stated that one of the reasons he did this was because § 87(2)(b) mom, § 87(2)(b) was there with a small child, secured in her bedroom, and § 87(2)(b) was also deaf. He stated that normally officers would tear the place apart, but in this case they did not do that. He stated that while they moved some things around, they did not take things off of the shelves and they only quickly searched the mother’s room. Lt. Gulotta stated that all of the other rooms were searched, but nothing was found. Lt. Gulotta described the apartment as a little “sloppy” when they came in, as things were piled everywhere and it was not well kept. They left the apartment in the same state and nothing was broken to his knowledge except for a lock box, in which they suspected the gun could have been in. He stated that they did search the futon, but they did not tear it or put any holes in it. After searching for maybe 30 minutes, the officers left the location, having not found anything.

Lt. Gulotta stated that he was not sure which ESU officer explained how § 87(2)(b) got his injury, but that both the officer and § 87(2)(b) had said the same thing. He stated that § 87(2)(b) made no mention of receiving the injury from an ESU officer and given the good rapport they had in the ambulance, he felt § 87(2)(b) would have mentioned that.

#### **Additional Officer Statements:**

PO Sean Cyrus was interviewed at the CCRB on August 31, 2007 (see enclosure # 7a-7d). § 87(2)(e), § 87(2)(f)

His team, along with ESU, went to the location and ESU secured it. When he entered the apartment, he saw § 87(2)(b) sitting in handcuffs on the couch with a laceration to his face. § 87(2)(b) said something along the lines of he had an idea that they were coming and they would not find anything. § 87(2)(b) was transported to the hospital and officers then began to search the location. PO Cyrus stated that they only searched § 87(2)(b) bedroom out of courtesy to § 87(2)(b) and because she had a young child with her and because § 87(2)(b) remarked that he knew they were coming. After not recovering anything, the officers left the location. PO Cyrus described the condition of the apartment as fine, except for some things moved around in § 87(2)(b) room. He denied breaking any furniture or putting holes in the couch. He stated that he did not know how § 87(2)(b) received his injury but he was later told something to the extent of that while ESU was restraining § 87(2)(b) he fell out of the chair.

Detective Marc Nell was interviewed at the CCRB on September 25, 2007 (see enclosure # 10a-10d). He stated that he was not very familiar with this incident and only had a vague recollection that someone was injured, as that has only happened a couple times in the past. When Det. Nell was informed about Det. Longa’s role in this and asked if he would have remained with his partner in the living room as he was Det. Longa’s shield, he stated that it was possible but it would depend on if a bunker was needed elsewhere in the location. Det. Nell denied being present for when § 87(2)(b) received the injury as he stated that if he had seen it, he would have remembered it. He stated that he was told that Det. Longa had picked the individual up because he had been “moving or doing something” and the individual fell down. When Det. Longa picked him up again, he noticed that the male was bleeding. Det. Nell stated that he did not use any physical force against the individual or hit him with anything. He also stated that he did not know what the individual hit that caused him to bleed.

Detective Robert Brager was interviewed at the CCRB on September 28, 2007 (see enclosure # 11a-11b). He stated that he was a part of the first team to enter the apartment and he saw § 87(2)(b) on the couch. However, he continued on into the apartment and secured § 87(2)(b) while other officers secured § 87(2)(b). He was eventually called back to the living room where he joined a couple other officers (he did not recall who) and § 87(2)(b). From his peripheral vision, he noticed § 87(2)(b) moving around and heard officers tell him to stand up so they could check the couch for weapons. Det. Brager saw § 87(2)(b) stand up and then go right down to the ground. Det. Brager stated that he did not know why § 87(2)(b) fell down to the ground as it appeared that he just fell and no one really had a hold of him. § 87(2)(b) received a laceration, though Det. Brager did not know what he had hit to cause it. Det. Brager denied ever approaching or interacting with § 87(2)(b) and denied seeing anyone hit § 87(2)(b) with anything. He also denied hearing § 87(2)(b) say anything about his injury or how he received it.

**Officers Not Interviewed:**

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Medical Records:**

Det. Goldstein filled out a hospital care report for § 87(2)(b) (see enclosure # 13a). The report listed the chief complaint by § 87(2)(b) as “I have a cut on my head” and that he had a soft tissue injury that was bleeding and controlled with a bandage. It states that the injury was incurred during a search warrant.

The Ambulance Call Report states that he complained of bleeding, a burn and a soft tissue injury to the head (see enclosure # 14a-14c). It listed the cause of injury as a “fall.” The narrative states, as per the police, “while pt was being arrested, he fell and hit his head on an object causing a soft tissue injury to the forehead.” The chief complaint listed is “I fell.”

§ 87(2)(b) was seen at § 87(2)(b) on § 87(2)(b) (see enclosure # 15a-15c). His records state that § 87(2)(b) did have a laceration to his forehead that was between 1-1.5 cm. He was given demabond, a skin adhesive, for the laceration. The records described § 87(2)(b) as “uncooperative” and “combative” and also states that the “historian reports hallucinations.”

**Search Warrant:**

On § 87(2)(b), PO Sean Cyrus went to Queens Criminal Court and obtained a search warrant for apartment § 87(2)(b) in § 87(2)(b) in Queens (see enclosure # 16a-16d). PO Cyrus stated that they were looking for any firearms, ammunition, and any records and money related to firearms transactions. § 87(2)(e), § 87(2)(f) [REDACTED]  
[REDACTED]

**Command Log:**

The 114<sup>th</sup> Precinct command log shows that on the date of incident, § 87(2)(b) entered the stationhouse voluntarily in regard to the search warrant at 7:10 AM and he was transported back to his home by officers at 7:20 AM (see enclosure # 21a).

**Criminal Conviction Histories:**

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**CCRB Histories:**

Neither § 87(2)(b) nor § 87(2)(b) has filed or taken part in any past CCRB cases (see enclosures # 2-4. However, § 87(2)(b) has filed one past CCRB complaint, § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]

Lt. Joseph Gulotta, who has been a member of the NYPD for 15 years, does not have any CCRB substantiations (see enclosure # 1a).

**Conclusions and Recommendations****Facts:**

The undisputed facts of this case are as follows; on July 26, 2007, ESU officers forcibly entered the location, based on a search warrant for a firearm. § 87(2)(b) had been sleeping on the couch in the front living room and he was placed in handcuffs without incident. Officers went through the rest of the apartment and secured it. While he was sitting on the couch, § 87(2)(b) began moving his arms behind him and fidgeting around. Det. Longa came over and stood him up off the couch and walked him a few steps away from it. § 87(2)(b) went down to the ground and he received a laceration to his forehead. § 87(2)(b) was taken to § 87(2)(b) for treatment while officers remained at the apartment and searched. After not recovering anything, the officers left the location. No arrests were made.

**Facts in Dispute:**

§ 87(2)(g)

**Assessment of Evidence:**

§ 87(2)(g)

§ 87(2)(b) told the CCRB that he did not know what object he was struck with, but § 87(2)(b) reported that he was hit with a gun. She also alleged damage to the door and a ceiling light, which § 87(2)(b) made no mention of. § 87(2)(g)

§ 87(2)(b) alleged that he received stitches for his injury while his medical records state that he was given a skin adhesive instead. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

**Allegation Not Pleaded:**

§ 87(2)(g)

**Analysis of Allegations:**

§ 87(2)(g)

**Allegation A: Lt. Joseph Gulotta authorized the entry and search of § 87(2)(b) in Queens.**



On the day in question, officers forcibly entered § 87(2)(b)'s home and searched it. § 87(2)(g)

**Allegation B: An officer struck § 87(2)(b) with a blunt instrument.**

§ 87(2)(b) alleged that after Det. Longa removed him from the couch, a second officer hit him over the head with an object, causing him to black out and fall to the floor and giving him a laceration to the head as a result. All of the ESU officers deny this, stating that § 87(2)(b) just fell to the floor for an unknown reason and he must have hit his head on something during the fall. § 87(2)(g)

**Allegation C: An officer searched § 87(2)(b)**

§ 87(2)(b) alleged that after he was lying on the floor, an officer briefly pulled down the back of his boxers, exposing part of his behind. § 87(2)(g)

Det. Longa stated that he did find the movements to be suspicious and he questioned whether § 87(2)(b) was trying to secrete something in the couch or reach for a weapon, which is why he stood him up from the couch. § 87(2)(g)

**Allegation D: Officers damaged § 87(2)(b)'s property.**

While § 87(2)(b) alleged that in the course of searching the apartment, the officers broke the door, a ceiling light and put holes in the couch, § 87(2)(b) alleged that the officers damaged some dressers and put holes in the couch. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: